

// A special meeting of the Council of the City of Lynchburg, recessed from August 9, was held on the 29th day of August, 2005, at 12:00 Noon, Eagle Eyrie Conference Center, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct City Council's annual retreat. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson

6

Absent: Johnson

1

// Council Member Johnson arrived at 1:57 p.m.

// Following lunch, the early part of the afternoon session, which was facilitated by Shirley Deen, Human Resources Training & Consultants, was devoted to a discussion with City Council regarding "Leading and Governing in a Democratic Society: Balancing Values and Choices," by Dr. Phillip Boyle, an Adjunct Professor, School of Government, University of North Carolina. Ms. Deen discussed how each Council Member viewed situational values and choices individually and as a whole in relation to Dr. Boyle's four values of public problems and public choices -- liberty, equality, community and prosperity.

// During the remainder of the afternoon session, City Manager Kimball Payne led City Council through an exercise whereby three potential issues, i.e., feral cats, landscape ordinance, and Midtown Plan, were examined in context with Dr. Boyle's four values -- liberty, equality, community and prosperity.

// The meeting was recessed at 3:59 p.m. to 4:00 p.m., to meet with Sandor Development Company regarding the Midtown Area Plan.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from its earlier 12:00 Noon meeting, was held on the 29th day of August, 2005, at 4:00 P.M., Eagle Eyrie Conference Center, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to meet with Sandor Development Company regarding the Midtown Area Plan. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Absent:

0

// Tim Kushner, Sandor Development Company, owner of The Plaza Shopping Center, expressed opposition to the Midtown Area Plan as it related to The Plaza. Mr. Kushner explained that Sandor Development Company, through a limited liability company called Lynchburg Realty, LLC, bought The Plaza in 1996, and that The Plaza is a major stakeholder in the Midtown area. Mr. Kushner went on to say that his company is not looking to sell the shopping center and is working to attract new stores to the shopping center. Mr. Kushner cited three reasons for opposition to the Midtown Plan, i.e., (1) the demographics in the immediate area surrounding The Plaza would not support the type of project proposed in the Midtown Area Plan, (2) any such complete redevelopment of The Plaza would be cost prohibitive, and (3) the Plan would rezone The Plaza to mixed use which would severely affect Lynchburg Realty's ability to fill The Plaza with tenants that target specific demographics surrounding The Plaza. Mr. Kushner also stated that Victor Dover, of Dover Kohl & Partners, failed to respond to his e-mail and telephone inquiries regarding the Plan. In response to questioning, Mr. Kushner stated that Sandor Development Company recently spent money to improve the property by landscaping and parking lot refurbishing and is actively pursuing new tenants to fill the vacancies in the shopping center. Several Council Members commented that the Plan is not just about The Plaza, but covers a much larger area. City Council asked the City Manager to follow up on Mr. Kushner's allegations of unresponsiveness from Mr. Dover.

// The meeting was recessed at 5:05 p.m. to August 30, 8:30 a.m., to continue with City Council's annual retreat and planning session.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from August 29, was held on the 30th day of August, 2005, at 8:30 a.m., Eagle Eyrie Conference Center, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to continue with City Council's annual retreat. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson left the meeting at 3:15 p.m.

// During the second day of the retreat, City Council reviewed the progress report regarding the action items identified during the 2004 Annual Retreat and provided the following feedback for the upcoming year:

Stable Families

Focus on prevention -- Convener -- with United Way

1. NAN
2. Leadership role in convening service providers

Education

1. Ask School Board to identify top 10 issues
2. Collaborative Efforts (quantify potential savings)
 - Human Resources
 - Purchasing
 - Fleet
 - Financial Systems (software)
 - IT
 - Communications and Marketing
 - B & G – fields & facilities
 - Project Management / CIP
 - G.I.S.
 - Economic Development
 - Parks & Recreation

Economic Development

1. ED Strategic Plan implementation
2. Business development process – permitting, etc.

Community Environment

1. Lynchburg signs on 460/29
2. Regional Visitors Center - \$3.5m price tag

City Council then received performance measurements reports from the external service delivery departments, i.e., Community Planning and Development, Fire, Parks & Recreation, Police and Public Works and offered the following comments:

Community Planning & Development

- How responsive are we (time)?
- Ease of access to services, i.e., brochures.
- Survey people re: Do you need more information?
- Known contacts who can answer questions.
- Benchmark against other communities (survey).

Fire / EMS

- Advanced Life Support -- Average response time [later reported as 5.24 minutes]

Parks / Recreation

- Increase sponsorships/partnerships with civic clubs, businesses, churches, etc.
- Measure potential use of space against actual use of space.
- Measure revenues generated by vendors.

Police / Animal Warden / LynCOM

Police

- Measure/report reported crime.
- % of cases closed
- Clarify the type of response measured in goal 3.

LynCOM

- Needs new measures.

Public Works

Buildings & Grounds

- Maybe benchmark against national or Virginia First Cities.
- Adjust targets for inflation.

Engineering % of required inspections completed on time

- Improve goal 2 stormwater statement (clarify).
- Consider adding other inspection goals (signs, arms, etc.)

GIS

- Measure/report whether goals are achieved 100% of the time.
- # requested / # fulfilled .

Streets

- Identify/benchmark goal on pavement rating .

Solid Waste

- Concern with courts and enforcement of decal/tags.

Utilities

- CSO – list total # of overflow points.
- Look at automated meter reading.
- Education regarding sewer cap .

// City Council discussed the FY 2006-2010 Capital Improvement Program in relation to the City's Debt Management Policy, Projected Debt Capacity, and FY2006-2010 Project priority list, and identified the following projects that needed further discussion:

- J & D Court – old Federal Court House
- Museum annex
- City Cemetery Parking
- Carter Glass
- Market Deck
- Downtown \$
- City Stadium Renovation
- New Trail Development
- Community Recreation Center
- Ardmore/Tenbury access
- Transportation – all #5's

Council Member Gillette stated that he would like to have a better view of how School projects are integrated with each other to ensure that capital dollars are being used as efficiently as possible.

// Council then had a discussion regarding the proposed Airport Commerce Park and a Regional Airport Authority. City Manager Kimball Payne informed that the Airport Commerce Park Project Advisory Committee has agreed that there can be no further discussion of developing the park under regional airport authority until City Council gives an indication of its interest in pursuing that path. Mr. Payne went on to say

that the Committee has identified two basic alternatives for the development of the commerce park, i.e., under a regional airport authority as recommended by the committee or by the Industrial Development Authority of Campbell County and the City of Lynchburg working together but independent of airport operations. In response to questioning, Mr. Payne stated that the City would retain the property where the Fire and Police Training facilities are located. Council discussed the issues, pros and cons and reached consensus to continue to look at developing an airport authority. Mr. Payne explained that this item would be scheduled for a future work session for further discussion. Council Member Seiffert stated that he would like to receive a map showing all of the property under consideration prior to the next work session.

// The meeting was recessed at 5:13 p.m. to September 1, at 12:30 p.m., to conduct interviews with candidates for a vacancy on the Lynchburg School Board.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from August 30, was held on the 1st day of September, 2005, at 12:30 P.M., Third Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct interviews of candidates for a vacancy on the Lynchburg School Board. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// From 12:30 p.m. to 1:00 p.m., Council Members ate lunch and briefly discussed the process to be followed during the interviews.

// On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and specifically to conduct interviews of candidates seeking to serve on the Lynchburg School Board pursuant to Section 2.2-3711(A) (1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 4:40 p.m. to September 13, 2005, at 4:00 p.m., to conduct a work session regarding several items.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from September 1, was held on the 13th day of September, 2005, at 4:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson

6

Absent: Johnson

1

// Council Member Johnson arrived at 4:25 p.m. during Agenda Item #1.

// Information Technology Director Mike Goetz provided an update regarding the transfer of Adelphia's cable TV franchise to Comcast. Mr. Goetz explained that as a component of Adelphia's overall plan to emerge from bankruptcy, Adelphia requested on June 16, 2005, that its cable TV franchise in Lynchburg be transferred to Comcast. Mr. Goetz went on to say that under federal law, the City has 120 days to act upon this request, and that the City's review is limited to reviewing the qualifications of the transferee in three specific areas: (1) financial, (2) technical, and (3) legal, and that City staff, with the assistance of Municipal Services Associates (a consulting firm), has reviewed the FCC-required documentation filed by Comcast and has found no grounds for concluding that Comcast is not qualified in any of these three areas. Mr. Goetz explained that City Council has three options for responding to the transfer request: (1) vote to accept, (2) vote to reject, or (3) take no action, and if the City does not act upon the transfer request within the 120 day review period, then the City shall be deemed to have consented to the transfer. Mr. Goetz stated that staff is recommending that City Council take no formal action to approve the transfer, and that by letting the 120 day transfer review period expire, it is presumed that the City has no objection to letting the requested transfer proceed. Following discussion, City Council agreed with the recommendation to take no formal action regarding the transfer of Adelphia's cable television franchise to Comcast.

// Traffic Engineer Gerry Harter presented an overview regarding a Neighborhood Traffic Management Program (NTMP) policy, developed by staff in response to a request from City Council to develop a policy to implement traffic calming measures in the City. Mr. Harter explained that traffic management includes traffic calming as well as other strategies to slow speeds and reduce cut-through traffic to make neighborhoods more livable, and that although traffic calming is a major component in traffic management, the program was not called a "traffic calming" program as it was considered to be too narrow. Mr. Harter went on to say that the policy sets guidelines to determine which roads within the City are eligible for traffic management, types of traffic management techniques to be used, a prioritization procedure to rank projects, and an implementation process including citizen, City staff, and City Council input. Mr. Harter also noted that one question that remains is how to fund the program, explaining that some jurisdictions allocate funds on a project by project basis while others allocate money during the budget year by neighborhood or for the entire jurisdiction. Mr. Harter stated that staff feels this is a very equitable and replicable policy that helps maintain the delicate balance of safety, livability and efficiency on suburban neighborhood streets, and that City Council is being asked to approve the Neighborhood Traffic Management Program (NTMP)

policy for the City. Council discussed and reached consensus regarding the following changes to the Plan:

(1) page 4—3.1. Step 1 – change “should” to “must” contact the City’s Public Works Traffic Engineering;

(1) page 4—3.1. Step 1 – change language to include the “opinion” and not the “support” of a

Neighborhood Homeowners Association; and (3) page 7—3.2. Step 2a – include definition of “peak hour.”

Council discussed several other proposed changes and agreed to provide written comments to Traffic Engineer Gerry Harter who, in turn, would incorporate the comments into a redraft Plan to be considered by the Physical Development Committee at its September 27 meeting.

// City Manager Kimball Payne provided an update regarding the Crosstown Connector project, explaining that with the completion of the Midtown Area Plan and to honor commitments made to Centra Health it is time to finalize the scope of the project and move ahead toward construction. Mr. Payne explained that staff recommends that the project be renamed the “Midtown Connector” to reflect a purpose of providing access into and out of the center city rather than providing access across the City. Mr. Payne went on to say that Phase 1 will be broken into at least 3 sub-phases:

Phase 1a: On Kemper/Park, from US 29 to Langhorne; scheduled to be a four-lane facility as planned with underground utilities, sidewalks and other amenities--this is the top priority; Phase 1b: On Park/Lakeside, from Langhorne to Murrell; context sensitive design, roundabout at Murrell, stay mostly 2-lane--this phase will most likely be combined with Phase 1a; Phase 1c: On Langhorne, from Park to Memorial; an improved corridor, either a 2 or 3 lane cross section--this is a new addition and will have to be considered within the context of available funds and the process of project redesignation. It could be a stand-alone project or built in combination with another project such as the Atherholt Road connection to Lakeside Drive. Phase 2 will be broken down as follows: Phase 2a: Improvements to the intersection of Routes 221/501--this, the western terminus of the connector, was previously designated as Phase 3--intersection improvements are necessary to address potential development in the area of the intersection; Phase 2b: Will consist of other improvements in the corridor depending on the traffic analysis and the availability of funding--the area on Lakeside Drive between Wyndale and Forest Brook is considered to be a priority. Mr. Payne noted that although updated VDOT traffic counts in the corridor have been completed, analysis and forecasting will not be finished until as late as mid-November, and that Federal funding has been designated for both phases of the project. Mr. Payne did note that this will require compliance with the National Environmental Protection Act including definition of need and an environmental impact analysis and that a public hearing will be required and that this requirement alone would delay construction by one year to eighteen months. Mr. Payne explained that staff is attempting to find out how much Federal funding has been designated for each section and whether or not the funds can be concentrated onto one phase so that the others could move forward with only State and local funding and that staff understands that as much as 80% of the project funding could be Federal, which raises the question of what is the status of the previously allocated State funding. Mr. Payne also noted that there are several major design issues in Phase 1a that must be resolved, i.e., the railroad bridge/tunnel; drainage, coordination with CSO activities, water utilities

replacement, and electric utilities relocation or burial. Mr. Payne went on to say that VDOT is trying to determine a reasonable schedule from this point, but the present best guess is that it will be approximately three years before the project can be advertised for construction which would include time to complete the environmental review process and right-of-way acquisition. Mr. Payne stated that in order for the City to keep this project moving forward, it is recommended that a project manager be hired immediately. City Council reached consensus to allow the City Manager to hire a project manager and to fund the cost either as a capital expense from the Capital Improvements Plan or from the General Fund Reserve for Contingencies.

//During roll call, and in response to Council Member Seiffert's question, City Manager Kimball Payne explained that Tim Kushner refused to provide him with copies of the e-mails that he sent to Victor Dover, and that Mr. Dover stated that he responded to all requests from Sandor Development Company regarding the Midtown Plan. Council Member Gillette asked staff to determine if the medium strip in the curve on Link Road near Oakwood Country Club could be reinforced, and inquired regarding interest in enacting an ordinance to require dog owners to clean up their pets waste. Council Member Seiffert stated that he has already asked the City Attorney to inquire regarding "site specific" ordinances requiring dog owners to clean up after their pets. Council Member Helgeson expressed concern regarding the sudden change in the speed limit in the vicinity of the intersection of Fenwick Drive and Fort Avenue. In response to Council Member Dodson's question, City Manager Kimball Payne stated that he asked the Planning staff to initiate the process to allow the City to accept cash proffers as part of conditional rezoning petitions. Vice Mayor Foster commented regarding the afternoon tour of Lynchburg Grows and informed that they are applying for a grant and would like City Council to adopt a resolution showing support of the concept of urban farming. Mayor Hutcherson reminded everyone regarding the Citizens Academy on Thursday night.

// On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commission, the acquisition and disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City and for consultation with legal counsel or briefing by staff concerning potential litigation pursuant to Section 2.2-3711(A)(1), (3) and (7), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// The meeting was re-opened to the public.

// Vice Mayor Foster made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Carol Spencer Read to fill an unexpired term on the Lynchburg School Board ending June 30, 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Johnson, Council by the following recorded vote re-appointed Edward M. Barksdale, Sr., to serve on the Lynchburg Redevelopment and Housing Authority Board for a term to expire September 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Johnson, Council by the following recorded vote re-appointed Dan C. Messerschmidt and Judy E. Smith to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Johnson, Council by the following recorded vote appointed Todd Cohen, Ward A. Dean, Jr. and Terry W. Thompson to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// The meeting was adjourned at 7:20 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of September, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Johnson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the August 9 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-097 amending the FY 2006 City Police Department Budget and transferring \$7,000 of previously appropriated funds to the Police Department for the purchase of replacement bullet proof vests, laid over from the August 9, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-098 amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$3,000, fully reimbursable, to provide for overtime to effectively carry out selective enforcement activities and investigations, laid over from the August 9, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police – Training Academy, Resolution #R-05-099 appropriating \$120,000 to fund the Central Virginia Criminal Justice Training Academy's share of the cost to renovate the James T. Davis building, laid over from the August 9, 2005 meeting, was again presented and read, and on motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewers, Resolution #R-05-104 amending the FY 2006 Sewer Capital Projects Fund Budget and appropriating \$2,000,000, fully reimbursable, for additional Combined Sewer Overflow (CSO) Control Projects, laid over from the August 9, 2005 meeting, was again presented and

read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7
Noes: 0

// In the matter of Community Planning – Historic District, City Council Report #6 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-105, as presented, amending the FY 2006 City/ Federal/State Aid Fund Budget and appropriating \$11,218, fully reimbursable, to fund a Certified Local government CAMP training workshop:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7
Noes: 0

// Commissioner of Revenue Jay Russell, from Winchester, Virginia, presented Lynchburg Commissioner of Revenue Mitch Nuckles with a Master Commissioner of the Revenue certificate. Commissioner Nuckles presented Vivian Brown, a member of his staff, with a Master Deputy Commissioner of the Revenue certificate.

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #7 regarding a request from the Lynchburg Redevelopment and Housing Authority for the adoption of the Tinbridge Hill Conservation Plan. Ed McCann, Executive Director, Lynchburg Redevelopment and Housing Authority, presented an overview regarding the request. Laura Duprey, Executive Director, Lynchburg Neighborhood Development Foundation, and Aubrey Barbour, President, Tinbridge Hill Neighborhood Council, spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-106, as presented, adopting the Tinbridge Hill Conservation Plan prepared by the Lynchburg Redevelopment and Housing Authority, dated December 31, 2004:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7
Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #8 outlining the petition of Clarion Investments, LLC to rezone approximately 5.3 acres located at 2639 Lakeside Drive from B-3, Community Business District, and R-4, Medium-High Density Multi-Family Residential, to B-5C, General Business District (Conditional), to allow the construction of an automobile dealership, shop, parking and vehicle display area. City Planner Tom Martin provided a brief overview regarding the request. Maggie Cossman, Perkins & Orrison, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member

Helgeson, Council by the following recorded vote adopted Ordinance #0-05-107, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of City Code/Community Planning - Zoning, a public hearing was held regarding City Council Report #9 regarding the adopting of an Ordinance amending the following sections of the City Code:

- Section 35.1-11.2 – include the definition of “automobile graveyard;”
- Section 35.1-27 – regarding the repair of nonconforming billboards;
- Sections 35.1-11.8(d) and 35.1-56.1(a) -- amend the definition of a group home as related to homes for the aged, infirm or disabled;
- Section 24.1-45 -- allow the Agent of the Subdivision Ordinance to approve the vacation of interior subdivision lot lines by a deed; and
- Sections 21-61 and 21-68 -- dealing with inoperable motor vehicles.

City Planner Tom Martin provided a brief overview regarding each proposed amendment, explaining that most of the amendments are either required by or authority is given by revisions to the Code of Virginia. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-05-108, as presented, amending Lynchburg City Code Section 35.1-11.2 to include the definition of “automobile graveyard”:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-05-109, as presented, amending Lynchburg City Code Section 35.1-27 regarding the repair of nonconforming billboards:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-05-110, as presented, amending Lynchburg City Code Sections 35.1-11.8(d) and 35.1-56.1(a) to amend the definition of a group home as related to homes for the aged, infirm or disabled:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-05-111, as presented, amending Lynchburg City Code Section 24.1-45 to allow the Agent of the Subdivision Ordinance to approve the vacation of interior subdivision lot lines by a deed:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-112, as presented, amending Lynchburg City Code Sections 21-61 and 21-68 dealing with inoperable motor vehicles:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Hutcherson

6

Noes: Seiffert

1

// In the matter of Recreation - General, a public hearing was held regarding City Council Report #10 regarding the endorsement of a Resolution in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for the master planning and improvement of historical Riverside Park. Lynchburg Parks and Recreation Director Kay Frazier provided a brief overview regarding the request. Three individuals spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-113, as presented, in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for the master planning and improvement of historic Riverside Park:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #11 regarding the endorsement of a Resolution in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design of a new downtown Riverwalk and restoration of the historic railroad tunnel. City Planner Tom Martin provided a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-114, as presented, in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design of a new downtown Riverwalk and restoration of the historic railroad tunnel:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #12 regarding the endorsement of a Resolution in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design and construction improvements to Main Street in Downtown Lynchburg. Lynn Cunningham, representing Lynch's Landing, provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-05-115, as presented, in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design and construction improvements to Main Street in Downtown Lynchburg:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #13 regarding the adoption of an ordinance vacating 0.107 acre of public right -of-way located off Old Graves Mill Road. Steve Lawson, Real Estate Manager, provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-05-116, as presented, vacating 0.107 acre of public right-of-way located off Old Graves Mill Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-117, as presented, authorizing a deed be executed to convey to James A. Scott & Son, Inc., the City's interest in the vacated 0.107 acre of public right-of-way located off Old Graves Mill Road in exchange of right-of-way acquisition to the Old Graves Mill Road Realignment and Extension:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Budget 2006, a public hearing was held regarding City Council Report #14 regarding amending the FY 2006 Operating Budgets for the General, Water, Sewer, Solid Waste, Fleet, Asset Forfeiture, Self-Insurance, Regional Juvenile Detention Center, Technology, City/Federal/State Aid, E-911 Special Revenue, Comprehensive Services Act, City Capital Projects, Schools Capital Projects, Water Capital Projects, and Sewer Capital Projects Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2005, to appropriate funds for grants, and other necessary expenditures since the FY 2006 budget was adopted. Assistant Director of Financial Services Donna Witt presented a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-118, as presented, amending the FY 2006 Operating Budgets for the General, Water, Sewer, Solid Waste, Fleet, Asset Forfeiture, Self-Insurance, Regional Juvenile Detention Center, Technology, City/Federal/State Aid, E-911 Special Revenue, Comprehensive Services Act, City Capital Projects, Schools Capital Projects, Water Capital Projects, and Sewer Capital Projects Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2005, to appropriate funds for grants, and other necessary expenditures since the FY 2006 budget was adopted:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Central Virginia Community Services, City Council Report #15 regarding authorizing the Central Virginia Community Services Board to serve as its own fiscal agent to receive state and federal

funding directly from the Department of Mental Health, Mental Retardation, and Substance Abuse was considered. Council Member Gillette stated that he has a contractual relationship with the Central Virginia Community Services Board of less than \$10,000, that the action that is being requested will in no way impact his business, and that he believes that he is able to participate and vote on this matter fairly, objectively and in the public interest. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-119, as presented, authorizing the Central Virginia Community Services Board to serve as its own fiscal agent to receive state and federal funding directly from the Department of Mental Health, Mental Retardation, and Substance Abuse:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance – General – City Code, City Council Report #16 was considered. Assistant Director of Financial Services Donna Witt presented a brief overview regarding the request. On motion of Vice Mayor Foster, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-120, as presented, amending the FY 2006 General Fund Operating Budget and appropriating \$25,953, with resources of \$25,953 from the FY 2006 General Fund Reserve for Contingencies, for a refund request for unused cigarette stamps from S & M Brands, Inc., that were purchased in 2003:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-121, as presented, amending and reenacting Section 36-203 of the City Code relating to the refund of cigarette stamps:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Margaret Schewel urged support of the Hurricane Katrina's relief efforts and asked that the City consider "adopting a City" in Louisiana. Ms. Schewel informed of a local community in Louisiana that is seeking assistance in taking care of the needs of 8,000 individuals displaced by the hurricane. City Manager Kimball Payne explained that staff has been discussing various options to assist the relief efforts, including the "adopt a city" approach. Mr. Payne also noted that Virginia might also be receiving a large number of individuals displaced by the hurricane.

// On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel or a briefing by staff concerning potential litigation pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Helgeson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// The meeting was adjourned at 10:35 P.M.

Clerk of Council